

CITY OF ALEXANDRIA

DEPARTMENT OF RECREATION, PARKS AND CULTURAL ACTIVITIES CRIMINAL BACKGROUND CHECK POLICY FOR VOLUNTEERS

I. PURPOSE:

Volunteers are an important part of the City of Alexandria's ("City's") Department of Recreation, Parks and Cultural Activities ("RPCA"). Without the support of volunteers, RPCA would be limited in the programs and activities that it could offer to the community. Cultural arts, senior programs, therapeutic recreation, youth and adult sports, advisory councils, special event and park projects, are a few of the current programs that are dependent on volunteers.

The purpose of this Policy is to outline procedures for conducting background checks on volunteers, minors excluded, who may have unsupervised contact with children, the elderly and disabled individuals.

II. PROCESS:

- A. The RPCA shall determine if a background criminal records check is required under this Policy for the individual volunteer. A background criminal records check is required for volunteers (minors excluded) who have unsupervised contact with children, the elderly and disabled individuals.
- B. All individual volunteers subject to this policy are required to sign and to complete the volunteer application form consenting in writing for the City to conduct a background criminal records check (except in those instances where an organized group has volunteered for a one-time project arranged through the RPCA volunteer office).
- C. All volunteers shall be legal residents of the United States.
- D. The volunteer shall complete the applicable Volunteer Application and Background Screening form and submit it to the appropriate RPCA facility director, program manager, or other staff for processing and review. The application shall include a waiver which each volunteer shall sign allowing the RPCA to order an individual criminal history records check.
- E. The RPCA shall pay for the criminal background screening of volunteers.
- F. Once the criminal background information has been sent to the RPCA, the RPCA shall determine whether the volunteer applicant can be placed in a City program and shall notify the volunteer applicant of his/her acceptance.

Depending on the nature of the position, the RPCA may require additional information from the volunteer.

- G. Information obtained in the course of the criminal background investigation will not be used in violation of any federal, state or local law. Information discovered regarding an applicant volunteer's race, color, sex, religion, national origin, citizenship, disability, age (if over 40), marital status, or pregnancy will not be provided to the person responsible for the determination to accept the volunteer. In the event the background criminal records check reveals information that precludes the volunteer applicant from being accepted into a City program, the RPCA shall send the applicant volunteer a confidential letter via certified mail informing him/her of the denial of his/her application. If applicable, the letter shall inform the volunteer applicant his/her appeal rights.
- H. The volunteer applicant is responsible for correcting inaccurate information that may be contained in the criminal records.
- I. Criminal background screenings shall be valid from July 1 through June 30, or on annual basis. Background screening conducted during April, May and June, shall be in effect for the upcoming annual period.
- J. RPCA staff shall ensure that all volunteers are identified as such by issuance of a shirt, badge or other readily identifiable marker.

III. CRIMINAL BACKGROUND SCREENING:

- A. In order to preserve the integrity of the City government and the well-being of residents, participants and City employees, RPCA shall conduct a criminal background records check, for the purpose of screening each prospective volunteer, minors excluded, who may have unsupervised contact with children, the elderly and the disabled.
- B. The background screening shall include but is not limited to:
 - 1. Multistate criminal background screening and information.
 - 2. Multistate sex offenders' registries;
 - 3. Personal references.
- C. Barrier Crimes/Dispositions:

The services of a volunteer or contract instructor shall not be accepted if the results of the background check show that the person has ever been convicted of any of the following crimes as set out in Title 18.2 of the Code of Virginia as may be amended, or equivalent offenses in another state. There is no appeal right if a volunteer is denied a position with City because he/she has been convicted of any of the crimes set forth below.

1. Crimes Against the Person:
 - a. Murder or manslaughter (Va. Code § 18.2-30 et seq.);
 - b. Malicious wounding by mob ((Va. Code § 18.2-41);
 - c. Abduction (Va. Code § 18.2-47A, -48);
 - d. Felony assault and bodily wounding (Va. Code § 18.2-51, et. eq.);
 - e. Robbery (Va. Code § 18.2-58);
 - f. Carjacking (Va. Code § 18.2-58.1);
 - g. Extortion and other threats) (Va. Code § 18.2-59, -60);
 - h. Sexual assault (Va. Code § 18.2-61 et seq.);
 - i. Felony stalking (Va. Code § 18.2-60.3);
 - j. Any other felonies against the person as defined by the Code of Virginia;
 - k. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes.
2. Crimes Against Property:
 - a. Felony arson (Va. Code § 18.2-77 et seq.);
 - b. Burglary (Va. Code § 18.2-89);
 - c. Convictions of any attempt or conspiracies to commit any of the aforesaid crimes.
3. Crimes Involving Health and Safety:
 - a. Felony conviction relating to distribution of drugs. (Va. Code § 18.2-247 et seq.);
 - b. Felony possession of drugs within eight (8) years of the date of application (Va. Code § 18.2-247 et seq.);
 - c. Distribution of drugs (Va. Code § 18.2-);
 - d. Drive-by shooting (Va. Code § 18.2-286.1);
 - e. Use of machine gun in a crime of violence (Va. Code § 19.2-289);
 - f. Aggressive use of machine gun (Va. Code § 18.2-290);
 - g. Use of sawed off shot gun in crime of violence (Va. Code § 18.2-300A);
 - h. Felonious discharge of firearms within or at occupied dwellings (Va. Code § 18.2-279);
 - i. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes.
4. Crimes Involving Morals and Decency:
 - a. Failing to secure medical attention for injured child (Va. Code § 18.2-314);
 - b. Pandering (Va. Code § 18.2-355);
 - c. Crimes against nature involving children (Va. Code § 18.2-361);
 - d. Taking indecent liberties with children (Va. Code § 18.2-370, 370.1);

- e. Abuse and neglect of children (Va. Code § 18.2-371.1);
 - f. Obscenity offenses (Va. Code § 18.2-374.1);
 - g. Possession of child pornography or electronic facilitation of pornography (Va. Code § 18.2-374.1:1, -374.3);
 - h. Incest (Va. Code § 18.2-366);
 - i. Abuse and neglect of incapacitated adults (Va. Code § 18.2-369);
 - j. Employing or permitting a minor to assist in an act constituting an obscenity offense (Va. Code § 18.2-372 et seq.);
 - k. Conviction of any attempt or conspiracies to commit any of the aforesaid crimes.
- 5. Crimes Against Minors—Any conviction for a crime against the person or property of a minor, felony or misdemeanor, inclusive of the crimes set forth above.
 - 6. Any individual convicted or who has entered a plea of guilty for a sexual offense involving a child under the age of 13 shall not be able to volunteer and shall have no appeal rights.
 - 7. Other Crimes:
 - a. Conviction of domestic abuse within five (5) years of the date of the application. However, if, after the five (5) year time period, the volunteer can submit evidence of successfully completing an anger management class he/she may be considered for a volunteer position.

D. All Other Crimes/Dispositions

- 1. All other convictions except those set forth in C, above, excluding crimes against minors, revealed through a background check, if such crimes occurred greater than ten (10) years from the date of application, shall be considered by the Director on a case-by-case basis to determine whether or not the past conduct of the volunteer or contract instructor would affect the well-being and/or safety of children, the elderly or the disabled based on the applicant's position.
- 2. Any volunteer who has been charged with any of the crimes set forth in C, or for cases pending in Court shall not be permitted to volunteer or teach until the official adjudication of the case.
- 3. A volunteer's to disclose pending charges shall result in immediate termination of the volunteer's or contract instructor's position with the City.
- 4. If during the course of volunteering with the City, a volunteer is arrested and charged with a crime, he/she may be suspended and/or terminated from his/her position until the final adjudication of the offense.

5. A volunteer may be disqualified from volunteering based on a history of repetitive conduct or other offenses, which in the discretion of the Director or his designee, may be inappropriate for the volunteer with children, the elderly and/or the disabled.

6. If a volunteer falsely states on his/her application that he/she does not have a criminal record and the criminal background report indicates that the individual has a criminal record, the individual shall be disqualified from the position.

7. Among factors that may be considered in deciding whether an individual should be permitted to volunteer, consideration may be given to the nature and character of the past conduct; how the past conduct relates to the particular functions of the volunteer's job; the length of time since the offending conduct; rehabilitation of the individual, if applicable; the volunteer's performance record; and how such conduct affect the safety of the participants and the integrity of the program.

8. Any pending charges, felony or misdemeanor, against minors, shall render the individual ineligible, unless or until such charges are subsequently dismissed or the individual is found not guilty.

IV. DISSEMINATION OF RESULTS/CONFIDENTIALITY:

All background search information shall be returned to the Director of the RPCA or his designee. All persons receiving background information regarding a volunteer or contract instructor shall maintain the confidentiality of such information in accordance with applicable law.

V. APPEAL:

1. Any volunteer whose services are rejected by the RPCA as a result of information obtained from the background check may request, in writing, an appeal of the denial to the Director, or his/her designee. The decision of the Director, or his designee, on the appeal is final.

2. If information obtained through the background check negatively affects a volunteer, the Director or his/her designee shall send notice to the applicant volunteer or contract instructor via certified mail. The applicant volunteer or contract instructor shall have seven (7) business days from receipt of the notice to respond to, explain or correct the information listed.

3. In reviewing the denial of a volunteer's, the Director or his or her designee, may consider the following:

a. Errors that might have been made on the criminal background report;

- b. The length of time since the offense and/or conviction;
 - c. Whether the volunteer was under the age of 18 when the offense/conviction occurred.
 - d. Other evidence that indicates that the volunteer is qualified to work with youth, the elderly and/or the disabled and there is no threat to any participant's or employee's safety and/or well-being and/or the integrity of the City.
- 4. If, after an opportunity to respond to, explain, or correct the negative information, the Director or his/her designee determines that the applicant volunteer or contract instructor cannot volunteer, he or she shall send to the applicant a final adverse written notice via certified mail containing the specific information that was the basis for his or her determination.
 - 5. Upon written request of the applicant volunteer, the Director or his/her designee shall provide the name, address and telephone number of the agency who conducted the background criminal records history.

4/18/2012